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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,276	09/30/2003	Masahiro Nozaki	26E-003	1581

23400 7590 10/03/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,276

Applicant(s)

NOZAKI, MASAHIRO

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-7, 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/30/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election of Group III in the reply filed on July 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 4-7, 13 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 14, 2005.

Drawings

Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the section line "A-A" in figure 1 should be changed to --2-2-- to indicate at least one of the figures which shows the view taken along the section line. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any

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amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because recitations such as "A-A" on line 25 of page 1, and lines 13, 15, 17, 20, 23 and 26 of page 9 should be changed to --2-2-- to agree with the drawing changes. Recitations such as "moulding" on line 19 of page 16 should be changed to the customary U.S. spelling.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-3 and 8-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “the door opening portion” on line 3 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a door seal structure or the combination of a door seal structure and a door opening portion. The preamble of claim 1 implies the former while the positive recitation of the door opening portion implies the latter. Recitations such as “raised or lowered” on line 6 of claim 1 render the claims indefinite because it is unclear how the door glass is only raised or lowered when it appears that the door glass is raised and lowered.

Recitations such as “the other end edge” on line 18 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as “an inner side wall of said glass run” on line 4 of claim 9 render the claims indefinite because it is unclear if the applicant is referring to the inner side wall of the glass run set forth above or is attempting to set forth another inner side wall of the glass run in addition to the one set forth above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Villa et al. Villa et al. disclose a door seal structure for sealing between a door opening portion (not numbered, but shown in figure 2) of a vehicle body (not numbered, but shown in figure 1) and a door frame 12 of a vehicle door 10, comprising an opening weather strip 19 provided in the door opening portion, said opening weather strip including a tubular seal portion (not numbered, but shown in figure 2) which projects outwardly of the door opening portion, a glass run 17 for guiding a door glass 16 that is raised or lowered, said glass run being held in a glass run holding part (not numbered, but shown in figure 2) provided along an inner peripheral surface of the door frame, the door frame having a protrusion (not numbered, but shown in figure 2) which protrudes inwardly of said glass run holding part, an inner peripheral end of said protrusion being joined to an inner side wall of said glass run holding part to define a flange (not numbered, but shown in figure 2), said protrusion including a protruding wall (not numbered, but comprising the part of the protrusion engaging the weather strip 19 as shown in figure 2) and an inside wall (not numbered, but shown in figure 2 spanning the distance between the protruding wall and the flange), said protruding wall being adapted to contact and press said tubular seal portion of said opening weather strip and said inside wall being adapted to face a vehicle compartment when the vehicle door is closed, said inside wall of said protrusion having a depression (not numbered, but shown in figure 2) which is formed near said protruding wall so as to extend in a longitudinal direction of said protrusion, and a cover member (not numbered, but shown

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in figure 2 extending over the flange and extending into the depression) provided for covering said inside wall of said protrusion of the door frame, one end edge of said cover member covering said flange and being connected to said glass run and the other end edge of said cover member being seated in said depression.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Villa et al. as applied to claims 1, 2, 8, 9 and 11 above, and further in view of Petrelli. Petrelli discloses a door seal structure comprising a door weather strip 39 for abutting and sealing the door opening portion 24 when the vehicle door is closed, the door weather strip being held in an outer peripheral surface of the door frame 33.

It would have been obvious to one of ordinary skill in the art to provide Villa et al. with a door seal structure, as taught by Petrelli, to further increase the seal between the door frame and the door opening portion.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Andrzejewski et al., Omura, Yamamoto, Mishima et al., Ugawa,

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Koike, Audenino et al., Goto, Buehler et al., and Onishi et al. are cited for disclosing a cover member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
September 28, 2005